IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 5467 of 2006

Hasan Mahmood Banderkar & Anr. .. Petitioner

versus

Haji Hussain Mia Suleman Banderkar

& Ors. .. Respondents

...

Mr.M.A. Solkar for the petitioners.

Mr.Nitin Mule for the respondents.

CORAM : D.G. KARNIK, J

DATED : 23rd April 2007.

P.C.:

1. Heard.

2. This Writ Petition is directed against the judgement and order dated 2nd May 2006 passed by the Sub-Divisional Officer, Mandgaon.

3. By the impugned order, the Sub-Divisional Officer has set aside the order of the Circle Officer

dated 5th December 2005 certifying the mutation entry no.228. By the impugned order, the mutation entry no.228 was set aside.

4. The impugned order was passed by the Sub-divisonal officer exercising powers under section 247 of the Maharashtra Land Revenue Court 1966. Section 247 provides for two appeals. The impugned order dated 2nd May 2006 is passed by the Sub-Divisional Officer in a first appeal and his order is appealable under section 247 of the Maharashtra Land Revenue Court. The petitioner thus has adequate alternative remedy. In the facts and circumstances I decline to exercise the writ jurisdiction.

5. Writ Petition is accordingly rejected summarily.

(D.G. KARNIK, J)